

REMARKS

The Applicant respectfully requests entrance of this Amendment "After Final" so as to place the application in condition for allowance or else in better form for appeal.

Claims 16-28 remain in the application. Claims 16, 20 and 26 are in independent form.

The amendments herein presented address only the §112 issues, and were not earlier presented because the Applicant is being represented by newly elected counsel.

Claim Rejections Under 35 U.S.C. §112

Claims 16, 20 and 26 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The terms "roulette rules" and "a possible game decision" were indicated as having no clear meaning. To overcome this objection, the Applicant has inserted additional language into the claims, which is fully supported in the specification, to clarify that the term "roulette wagering rules" comprises a game decision based on a 1 and 38 probability for each possible chance outcome. The term "a possible game decision" has been clarified to mean one of the thirty-eight possible roulette decision outcomes as specified by the definition of roulette wagering rules. In addition to the support found for these terms in the specification, which are documented in the next paragraph, "roulette wagering rules" is a term having a well known definition and meaning to those of skill in the art. Indeed, the game of roulette has been historically played with a consistent set of underlying rules wherein a game decision is based on a 1 and 38 probability for each possible chance outcome.

The Applicant's specification is replete to references to the winning odds or probability for conventional roulette rules. For example, in numbered paragraph [0006], the Applicant teaches over and over again that 38 (inclusive) possible outcomes are required in the roulette wagering rules. Reference is also made to specification paragraph [0017] wherein one disclosed embodiment of the invention comprises 38 balls marked consecutively with numbers ranging from 1 to 38, inclusive. Paragraph [0025] indicates that, instead of the number of a pocket in a roulette wheel in which a roulette ball comes to rest, it would be the number on the selected ball that would determine the play according to conventional roulette rules.

Nearly every paragraph in Applicant's specification describes the roulette wagering rules as comprising a game decision based on a 1 and 38 probability for each possible chance outcome. Accordingly, it is respectfully submitted that amended Claims 16, 20 and 26 now particularly point and distinctly claim the subject matter which the Applicant regards as his invention.

Claim Rejections Under 35 U.S.C. §102

Claims 16-20, 22, 24 and 25 stand rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Boylan et al. (U.S. Patent 5,265,877) in view of Cudlipp (U.S. Patent 6,152,448).

Boylan '877 discloses a game of chance which is described as broadly similar to ball roulette. See, for example, Figure 5 and the related description beginning in Column 12, Line 40. There is no indication in Boylan '877 that a game decision is based on a 1 in 38 probability for each possible chance outcome. Indeed, Boylan '877 does not disclose a game of chance exhibiting true odds equality with traditional roulette as provided by the Applicant's invention.

Thus, Boylan '877 is not able to solve the problem which is solved by the Applicant's invention—namely a game of chance especially adapted for jurisdictions which prohibit traditional roulette play, wherein the game of chance can be played on a traditional roulette table and according to the conventional wagering rules for roulette, but without using a roulette wheel.

Thus, it is respectfully submitted that the rejection under 35 U.S.C. §102(b) has been overcome.

Claims 16-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by Cudlipp.

Cudlipp '448 discloses a game of chance including a ball blower device. 88 balls of various colors are used. (Column 4, Lines 50-52.) Cudlipp '448 fails to disclose or suggest the Applicant's claimed invention, namely an apparatus for playing a game of chance according to the roulette wagering rules wherein a game decision is based on a 1 in 38 probability for each possible chance outcome.

Accordingly, because Cudlipp '448 fails to disclose or suggest the Applicant's claimed invention, it is respectfully submitted that the rejection based on anticipation is overcome.

Likewise, the alternative rejection under 35 U.S.C. §103(a) based on Boylan in view of Cudlipp is also believed to be overcome since neither reference discloses a game of chance operated according to the defined set of roulette wagering rules but without a roulette wheel.

Claim Rejections Under 35 U.S.C. §103

Claims 16-20, 22, 24 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cudlipp.

Claims 21, 23 and 26-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cudlipp or Boylan et al. in view of Santora et al. (U.S. Patent 4,357,015).

Santora '015 discloses a game of chance played according to conventional roulette wagering rules and using a roulette wheel 52.

As neither Boylan, Cudlipp nor Santora disclose an apparatus for playing a game of chance according to roulette wagering rules but without a roulette wheel, it is respectfully submitted that a *prima facie* case of obviousness cannot be maintained against the subject invention, as amended herein. Accordingly, it is respectfully submitted that the rejection against Claims 21, 23 and 26-28 is overcome.

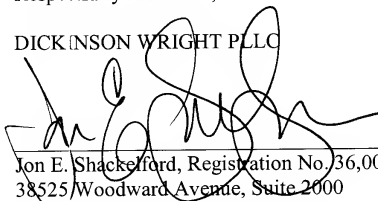
Reconsideration of this application as amended is respectfully requested on the basis of these amendments.

It is believed that this application is now in condition for allowance, or at least in better form for appeal. Further and favorable action is requested.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 04-1061.

Respectfully submitted,

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